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OFFICE OF PETITIONS

In re Patent No. 6,873,304 :
Issue Date: March 29, 2005 :
Application No. 10/621,799 :DECISION ON PETITION
Filed: July 17, 2003 :
Attorney Docket No. MA51-001 :

This is a decision on the petition, filed March 31, 2005, seeking revival under the unintentional provisions of 37 CFR 1.137(b).

The petition is dismissed as moot.

A review of the file record fails to disclose that this application is in fact abandoned. If petitioner maintains that this case is abandoned, petitioner should promptly inform the Office as to why a petition to revive is necessary.

It is noted on the petition that the reply is indicated to be in the form of a "Rescission of Previous Nonpublication Request." If petitioner is seeking revival under the unintentional provisions for failure to timely notify the U.S. Patent and Trademark (USPTO) within 45 days of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing, then petitioner should petition to revive under the unintentional provisions of 37 CFR 1.137(f). A form for the petition under 37 CFR 1.137(f) accompanies this decision on petition for petitioner's convenience. Further, if petitioner is seeking revival for failure to timely notify the Office of a foreign filing, then petitioner is advised that the date of filing of the foreign application must be provided.

Petitioner may request a refund of the \$750 petition fee submitted if petitioner is not seeking revival under the unintentional provisions of 37 CFR 1.137(f). Additionally, as this case matured into Patent No. 6,873,304, the \$300 publication fee submitted is not necessary. A refund of these fees may be requested by writing to: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision on petition should accompany petitioner's request.

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Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.


Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Petition to Revive Form PTO/SB/64a